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8 **UNITED STATES DISTRICT COURT**
9 **WESTERN DISTRICT OF WASHINGTON**
10 **AT TACOMA**

11 JUDITH COX and CHARLES COX
12 individually and as Personal
13 Representatives of the Estates of C.J.P.
14 and B.T.P.,

15 Plaintiffs,

16 v.

17 STATE OF WASHINGTON,
18 DEPARTMENT OF SOCIAL AND
19 HEALTH SERVICES, FOREST
20 JACOBSON, ROCKY STEPHENSON,
21 JANE WILSON, and BILLIE REED-
22 LYYSKI,

23 Defendants.

NO.

NOTICE OF REMOVAL TO
FEDERAL COURT

24 TO: THE CLERK OF THE ABOVE-ENTITLED COURT:

25 PLEASE TAKE NOTICE that defendants hereby remove to this court the state court
26 action described below.

1. Plaintiffs aver that all allegations as contained in their Amended Complaint for
Damages arose and occurred in Pierce County, Washington. This lawsuit alleges causes of
action under 42 U.S.C. §1983 for violation of civil rights, as well as pendent state law claims.

1 In the Amended Complaint, plaintiffs name defendants Rocky Stephenson, Forest
2 Jacobson, Billie Reed-Lyyski and Jane Wilson, individually and in their official capacities.

3 2. On November 10, 2014, the Attorney General's Office for the State of
4 Washington, counsel for the defendants, received a copy of an Amended Complaint for
5 Damages filed on November 7, 2014 in the Superior Court of Washington for Pierce County,
6 Case No. 12-2-11389-6, entitled *Judith Cox and Charles Cox individually and as Personal*
7 *Representatives of the Estates of C.J.P. and B.T.P., Plaintiffs v. State of Washington*
8 *Department of Social and Health Services, Forest Jacobson, Rocky Stephenson, Jane Wilson*
9 *and Billie Reed-Lyyski, Defendants.*

10 3. The Amended Complaint asserts causes of action under 42 U.S.C. §1983
11 against the above-named individual defendants. This notice of removal is being filed within
12 30 days of receipt of the complaint alleging an action under 42 U.S.C. §1983 against the
13 named defendants.

14 4. Under 28 U.S.C. §1331 and §1343, the United States District Courts "have
15 original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the
16 United States."

17 5. Plaintiffs allege in paragraphs 6 – 9 and 77 – 89 of the Amended Complaint for
18 Damages that defendants had direct personal participation in the deprivation of plaintiffs
19 C.J.P. and B.T.P.'s constitutional rights pursuant to 42 U.S.C. § 1983.

20 6. This is a civil action of which this court has original jurisdiction under 28
21 U.S.C. §1331 and §1343, and is one which may be removed to this court by defendants
22 pursuant to 28 U.S.C. §1441(b) in that it is a civil action founded on a claim or right arising
23 under federal law. The district court also has supplemental jurisdiction over the state claims
24 pursuant to 28 U.S.C., §1367. An Eleventh Amendment bar as to supplemental claims does
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not divest the federal court of jurisdiction over claims arising under federal law. *Wisconsin Dept. of Corrections v. Schacht*, 524 U.S. 381, 118 S. Ct. 2047, 141 L. Ed. 2d 364 (1998).

7. **Intradistrict Assignment.** The United States District Court for the Western District of Washington, Tacoma Division, is the appropriate assignment pursuant to the criteria listed in LCR 3(d) wherein Pierce County, Washington is the situs where *Cox v. State of Washington, et al.*, is currently pending, it is where the alleged actions claimed of therein occurred, and it is where the individual defendants reside.

8. All defendants who have been served have consented to remove this action to federal court. *See, Affidavit of Peter J. Helmberger in Support of Removal to Federal Court.*

9. Defendants reserve all rights and defenses, including Eleventh Amendment Immunity, and this notice is made without waiving Washington State's sovereign immunity or any other defenses it may have in response to this lawsuit.

10. In compliance with 28 U.S.C. §1446(a) and LCR 101(b) defendants have attached a copy of the operative complaint filed as an Amended Complaint for Damages in the state court action, along with a copy of the Jury Demand also filed in the state action. The defendants will provide copies of all other process, pleadings and orders served upon them or later filed in this case as a separate notice of state filed court documents.

DATED this 19th day of November, 2014.

ROBERT W. FERGUSON
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CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of November, 2014, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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